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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,028	11/08/2005	Nobuyuki Takakuwa	8048-1102	5407

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YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
Alexandria, VA 22314

EXAMINER
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TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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02/08/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,028	<b>Applicant(s)</b> TAKAKUWA ET AL.	
	<b>Examiner</b> DANIEL TEKLE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 19, 2009 has been entered.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1-10 and 17-21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The "computer-readable medium" can broadly interpret to include signal which is non-statutory subject matter.

"In the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation, the scope of a "computer readable medium" covers a signal per se."

In order to overcome this rejection examiner suggest replacing "computer-readable medium" with "non-transitory computer-readable medium"

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Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-21 rejected under 35 U.S.C. 102(e) as being anticipated by Kashiwagi et al. (US 2002/0003945).

**Regarding Claim 1:** Kashiwagi et al. discloses a computer readable information record medium onto which is recorded a whole stream including a plurality of partial streams each comprising a series of content information medium comprising: an object data file for storing object data comprising a plurality of packets each storing a piece of the content information (**paragraph 0339**), wherein the plurality of partial streams include one or more video streams comprising a plurality of angle video information corresponding to a plurality of viewpoints (**paragraph 0190-0191**), each of the plurality of angle video information comprises an assembly of minimum image units, which are defined by a predetermined standard (**paragraph 0190-0191**), each of the minimum image units is divided and stored into the packets (**paragraph 0220**), and a switch unit

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as a logical section of the video stream is defined such that the plurality of packets for dividing and storing a same minimum image unit does not extend over a boundary of the switch unit (**paragraph 0226**), and such that a minimum image unit reproducible without using another minimum image unit belonging to an anterior switch unit extending over the boundary of the switch unit is arranged as a first minimum image unit of the switch unit(**paragraph 0226**), the plurality of angle video in formations corresponding to the plurality of viewpoints are included in one switch unit (**paragraph 0426**).

**Regarding Claim 2:** Kashiwagi et al. discloses a computer readable information record medium according to claim 1, wherein the minimum image unit is a GOP (Group of Picture) based on a MPEG (Moving Picture Experts Group) standard (**paragraph 0272**).

**Regarding Claim 3:** Kashiwagi et al. discloses a computer readable information record medium according to claim 1, wherein the switch unit is defined by position information, the position information indicating a head address of the switch unit (**paragraph 0339**).

**Regarding Claim 4:** Kashiwagi et al. discloses a computer readable information record medium according to claim 3, wherein the position information is stored for each switch unit, in a switch unit address table (**paragraph 0339**).

**Regarding Claim 5:** Kashiwagi et al. discloses a computer readable information record medium according to claim 3, wherein the position information is stored for each switch unit, in a navigation packet forming a part of the partial streams in object data file (**paragraph 0507**).

**Regarding Claim 6:** Kashiwagi et al. discloses a computer readable information record

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medium according to claim 5, wherein the position information as for anterior  $n$  ( $n$  is natural number equal to or more than  $i$ ) switch units and posterior  $m$  ( $m$  is natural number equal to or more than  $i$ ) switch units, with respect to a switch unit to which the navigation packet is belonged as a standard, is stored in the navigation packet

**(paragraph 0507-0508 and 0513).**

**Regarding Claim 7:** Kashiwagi et al. discloses a computer readable information record medium according to claim 5, wherein the navigation packet is arranged as a head packet of the switch unit **(paragraph 0513).**

**Regarding Claim 8:** Kashiwagi et al. discloses a computer readable information record medium according to claim 3, wherein the position information is a serial number of the packets or a PTS (Presentation Time Stamp) **(paragraph 0689).**

**Regarding Claim 9:** Kashiwagi et al. discloses a computer readable information record medium according to claim 1, further comprising an object information file for storing association definition information to define a relationship between multiplexed packets and the plurality of partial streams, as reproduction control information to control a reproduction of said object data file **(paragraph 0117 and 125)**, wherein the association definition information has table information, the table information indicating, for each partial stream, packet identification numbers assigned specifically to a plurality of packets multiplexed at a same time **(Fig. 29).**

**Regarding Claim 10:** Kashiwagi et al. discloses a computer readable information record medium according to claim  $i$ , further comprising a reproduction sequence file for

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storing reproduction sequence information to define a reproduction sequence of the object data (**paragraph 0098 and 0118**).

**Regarding Claim 11-12:** Claim 11-12 reject for the same subject matter as claim 1.

**Regarding Claim 13:** Kashiwagi et al. discloses an information reproduction apparatus for reproducing the information record medium according to claim 1, apparatus comprising: a reproduction device for reproducing said object data file (**paragraph 0131**); an input device for inputting externally an instruction for an angle switching (**paragraph 0131**); and a control device for controlling the reproduction device to reproduce a video stream relating to one angle video information and to switch from a reproduction of a video stream relating to said one angle video information to a reproduction of a video stream relating to another angle video information, at a boundary of the switch unit, in accordance with the instruction for the angle switching inputted via said input device (**paragraph 0359**).

**Regarding Claim 14:** Claim 14 reject for the same subject matter as claim 13.

**Regarding Claim 15:** Claim 15 reject for the same subject matter as claim 1 and 13.

**Regarding Claim 16:** Claim 16 reject for the same subject matter as claim 1 and 13.

**Regarding Claim 17-20:** Claim 17-20 reject for the same subject matter as claim 11, 13, 15, and 1 respectively.

**Regarding Claim 21:** Kashiwagi et al. discloses a computer readable recording medium according to claim 1 further comprising: a play list information file for storing reproduction sequence information to indicate a reproduction sequence of the object data (**paragraph 0380-0384**); and an object information file for storing object

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information to indicate an address of the object data by a unit of an item, wherein each of the object data, the reproduction sequence information and the object information is recorded into different area, respectively (**paragraph 0380-0384**) .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621



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/Daniel Tekle/

Examiner, Art Unit 2621